UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/52/955/Add.1
24 August 1998
ENGLISH
ORIGINAL: ARABIC

Fifty-second session
Agenda items 114, 153 and 157

REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

HUMAN RESOURCES MANAGEMENT

UNITED NATIONS REFORM: MEASURES AND PROPOSALS

Report of the Fifth Committee (Part II)

Rapporteur: Mr. Djamel MOKTEFI (Algeria)

I. INTRODUCTION

1. The previous recommendations made by the Fifth Committee to the General Assembly on the question of the proposed United Nations Code of Conduct appear in the reports of the Committee contained in documents A/52/746/Add.1 and A/52/955.

2. The Fifth Committee resumed its consideration of the question of the proposed United Nations Code of Conduct at its 69th and 70th meetings, on 17 and 21 August 1998. Statements and observations made in the course of the Committee's consideration of the items are reflected in the relevant summary records (A/C.5/52/SR.69 and 70).

3. In addition to the documents listed in A/52/746/Add.1 and A/52/955, the Committee had before it the addendum to the report of the Secretary-General on the proposed United Nations Code of Conduct (A/52/488/Add.1).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/52/L.59

4. At the 70th meeting, on 21 August, the Rapporteur of the Committee and coordinator of informal consultations on the question introduced a draft resolution entitled "Proposed United Nations Code of Conduct" (A/C.5/52/L.59) and orally revised it by:

(a) Adding the following title to the draft resolution: "Revisions to article 1 of the Staff Regulations and chapter I of the 100 series of the Staff Rules";

(b) Revising operative paragraph 1 (e) by replacing the words "in accordance with the Convention on the Privileges and Immunities of the United Nations and the relevant resolutions of the General Assembly" with the words "in accordance with the relevant instruments";

(c) Adding the following new subparagraph (f) to operative paragraph 1:

"(f) Replace regulation 1.2 (o) with the following:

'(o) All staff members at the Assistant Secretary-General level and above shall be required to file financial disclosure statements upon appointment, and at intervals as prescribed by the Secretary-General, in respect of themselves and their dependent children, including any substantial transfers of assets and property to spouses and dependent children from the staff member or from any other source that might constitute a conflict of interest, after knowledge of the appointment or during its tenure, to provide certification stating that there is no conflict of interest with regard to the economic activities of spouses and dependent children, and to assist the Secretary-General in verifying the above certification on his special request. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (n)';"

(d) Adding the words "in accordance with paragraph 10 of the report of the Secretary-General" at the end of operative paragraph 10;

(e) Replacing, in operative paragraph 13, the word "collaboration" with the word "consultation";

(f) Deleting operative paragraph 14.

5. At the same meeting, the Committee adopted draft resolution A/C.5/52/L.59, as orally revised, without a vote (see para. 7).

6. Following the adoption of the draft resolution, statements in explanation of position were made by the representatives of Indonesia (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and Cuba (see A/C.5/52/SR.70).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Revisions to article 1 of the Staff Regulations and chapter I of the 100 series of the Staff Rules

The General Assembly,

Recalling Articles 97, 98, 100, 101 and 105 of the Charter of the United Nations,

Recalling also its resolution 52/12 B of 19 December 1997,

Noting with concern the limited time it had at its disposal to consider this matter,

Having considered the reports of the Secretary-General of 17 October 1997[1] and 28 July 1998[2] entitled "Proposed United Nations Code of Conduct",

Taking note with appreciation of the comments provided by the International Civil Service Commission on the revised text of article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules applicable to United Nations staff members,[3]

Taking note of the views expressed by Member States in the Fifth Committee on this question,[4]

Having heard the views expressed by staff representatives in the Fifth Committee in accordance with General Assembly resolution 35/213 of 17 December 1980,[5]

1. Adopts the Revised Text of article I of the Staff Regulations, and takes note of the Revised Text of chapter I of the 100 series of the Staff Rules applicable to United Nations staff members, as set out in annex I to the report of the Secretary-General of 17 October 1997,[1] and not to other organizations, subject to the following modifications:

(a) The provisions contained in new staff regulations 1.1 (c) and 1.2 (g), and in new staff rule 101.2 (h) of the original proposal as set out in the report of the Secretary-General of 17 October 1997, which deal with staff representatives, are deleted, as indicated in his report of 28 July 1998;[2]

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[1] A/52/488.

[2] A/52/448/Add.1.

[3] A/52/30/Add.1.

[4] See A/C.5/52/SR.53, 56, 58 and 67-69.

[5] See A/C.5/52/SR.53.

(b) The phrase "and in the relevant resolutions and decisions of the General Assembly" is inserted after "Staff Regulations and Rules" in new staff regulation 1.1 (c);

(c) The phrase "in the employment of staff" is deleted from new staff regulation 1.1 (d);

(d) Article 99 is deleted from annex I, section A;[1]

(e) At the end of regulation 1.1 (f), the words "in accordance with the relevant instruments;" are added;

(f) Regulation 1.2 (o) is replaced with the following:

"All staff members at the Assistant Secretary-General level and above shall be required to file financial disclosure statements upon appointment and at intervals as prescribed by the Secretary-General, in respect of themselves and their dependent children, including any substantial transfers of assets and property to spouses and dependent children from the staff member or from any other source that might constitute a conflict of interest, after knowledge of the appointment or during its tenure, to provide certification stating that there is no conflict of interest with regard to the economic activities of spouses and dependent children, and to assist the Secretary-General in verifying the above-mentioned certification on his special request. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (n)";

2. Decides to insert as a third sentence the following text into the "Scope and purpose" provision of the Staff Regulations:

"For the purposes of these Regulations, the expressions 'United Nations Secretariat', 'staff members' or 'staff' shall refer to all the staff members of the Secretariat, within the meaning of Article 97 of the Charter of the United Nations, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the General Assembly pursuant to Article 101, paragraph 1, of the Charter.";

3. Decides also that the amendments to the Staff Regulations adopted in the present resolution and the related amendments to the Staff Rules shall become effective on 1 January 1999;

4. Emphasizes that the implementation of regulation 1.2 (b) should take also into account the definition of integrity provided in the 1954 report of the International Civil Service Advisory Board entitled Standards of Conduct in the International Civil Service, in accordance with paragraph 28 of the comments of the International Civil Service Commission;[3]

5. Also emphasizes that the implementation of rule 101.2 (d) should be in accordance with the definition provided in administrative instruction ST/AI/379 of 29 October 1992;

6. Further emphasizes that managers, as staff members, are bound by the duties and obligations set out in new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules, and that their higher-level functions and responsibilities entail increased accountability for the proper performance of all their duties in managing the human and financial resources entrusted to them;

7. Requests the Secretary-General to emphasize in the commentary on new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules that the higher level of responsibilities associated with managerial functions entails a commensurate increase in the accountability of managers;

8. Stresses the importance of the provisions governing the status and the basic rights and duties of staff members, requests the Secretary-General to issue to every staff member in separate form the text of Articles 97, 98, 100, 101 and 105 of the Charter of the United Nations and relevant extracts from the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly in its resolution 22 (I) of 13 February 1946, as well as the text of new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules, together with the explanatory commentary, the text of the present resolution and the 1954 report of the International Civil Service Advisory Board entitled Standards of Conduct in the International Civil Service;

9. Requests the Secretary-General to expedite the submission to the General Assembly, by the fifty-fourth session, of appropriate regulations and rules governing the status, basic rights and duties of the Secretary-General, officials other than Secretariat officials and experts on mission;

10. Also requests the Secretary-General to prepare, as a matter of priority, additional rules for particular groups of staff such as finance officers, procurement officers and staff of separately funded organs, in accordance with paragraph 10 of his report;[1]

11. Further requests the Secretary-General to prepare for consideration by the General Assembly at its fifty-fourth session a text of the Staff Regulations drafted in gender-neutral terms;

12. Notes that the Secretary-General will prepare amendments to the 200 and 300 series of the Staff Rules to reflect the amendments to article 1 of the Staff Regulations, and notes also that such amendments to the Staff Rules are subject to the requirements of staff regulations 12.2, 12.3 and 12.4;

13. Notes further that the International Civil Service Commission has decided to include in its work programme the updating of the 1954 International Civil Service Advisory Board Standards of Conduct in consultation with the Consultative Committee on Administrative Questions, and looks forward to the results of this review.